

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

NEIL GIFFORD LONG,

Plaintiff,

v.

CIVIL ACTION NO. 1:14CV31  
(Judge Keeley)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S  
OPINION/REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. §636(b)(1)(B), Rule 72(b), Federal Rules of Civil Procedure and Local Court Rule 4.01(d), on February 24, 2014, the Court referred this Social Security action to United States Magistrate Judge Robert W. Trumble with directions to submit proposed findings of fact and a recommendation for disposition.

On November 6, 2014, Magistrate Judge Trumble filed his Report and Recommendation ("R&R"), and directed the parties, in accordance with 28 U.S.C. §636(b)(1) and Rule 6(e), Fed. R. Civ. P., to file with the Clerk of Court any written objections within fourteen (14) days after being served with a copy of the R&R. He further directed that failure to file objections would result in a waiver of the right to appeal from the judgment of this Court. The parties did not file any objections.

Upon consideration of Magistrate Judge Trumble's recommendation and having received no written objections,<sup>1</sup> the

---

<sup>1</sup> The parties' failure to object to the Report and Recommendation not only waives their appellate rights in this matter, but also relieves the Court of any obligation to conduct a

ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION

---

Court accepts and approves the R&R and **ORDERS** this civil action disposed of in accordance with the recommendation of the magistrate judge. Accordingly, the Court

1. **GRANTS** the plaintiff's motion for Summary Judgment (dkt. no. 24);
2. **DENIES** the Commissioner's motion for Summary Judgment (dkt. no. 25);
3. **REVERSES** the decision of the Commissioner and **REMANDS** this civil action for an award of benefits; and
4. **DISMISSES** this civil action and **ORDERS** it **RETIRED** from the docket of this Court.

Pursuant to Fed.R.Civ.P. 58, the Court directs the Clerk of Court to enter a separate judgment order and to transmit copies of this Order to counsel of record.

DATED: December 11, 2014.

\_\_\_\_\_  
/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE

---

*de novo* review of the issues presented. See Wells v. Shriners Hospital, 109 F.3d 198, 199-200 (4<sup>th</sup> Cir. 1997); Thomas v. Arn, 474 U.S. 140, 148-153 (1985).